

Permitting & Assistance Branch Staff Report  
New Full Solid Waste Facilities Permit for Santa Maria Integrated Waste Management Facility  
SWIS No. 42-AA-0076  
May 18, 2012

**Background Information, Analysis, and Findings:**

This report was developed in response to the Santa Barbara County Public Health Department Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed New Full Solid Waste Facilities Permit (SWFP) for Santa Maria Integrated Waste Management Facility (Facility), SWIS No. 42-AA-0076, located in Santa Maria, owned and operated by the City of Santa Maria. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on March 8, 2012. A new proposed permit was received on April 12, 2012. Action must be taken on this permit no later than June 11, 2012. If no action is taken by June 11, 2012, the Department will be deemed to have concurred with the issuance of the proposed new permit.

**Proposed Project**

The following are the key design parameters of the proposed project:

	Proposed Permit
Name	Santa Maria Integrated Waste Management Facility
Owner/Operator	City of Santa Maria
Facility Type	Solid Waste Disposal Site
Operational Status	Planned
Proposed Permitted Hours/Days of Operation	Receipt of Refuse/Waste: Monday – Sunday 5:30 A.M. to 5:00 P.M., closed holidays.  Receipt of Agricultural Plastic & Concrete: Monday – Sunday 5:00 A.M. to 9:00 P.M., closed holidays.  Equipment Maintenance & Ancillary Operations: Monday – Sunday 5:00 A.M. to 7:00 P.M., closed holidays.  (See Condition 17. q. Regarding Permitted Hours of Operation and the closed holidays)
Proposed Permitted Maximum Tonnage	1600 Tons per Day (Disposal)  (See condition 17.d.)
Proposed Permitted Traffic Volume	277 Vehicles per day

	Proposed Permit
Proposed Permitted Area (in acres)	617 Total 286 Disposal
Estimated Closure Date	2105
Design Capacity (cubic yards)	130,850,000

### **Key Issues**

The proposed permit will allow for the following:

- The maximum permitted daily tonnage for this facility is 7,750 tons per day (tpd). The maximum permitted tonnage for: disposal of solid waste is 1,600 tpd; non-hazardous hydrocarbon impacted soil is 5,000 tpd; concrete and asphalt is 1,000 tpd; and clean soil is 150 tpd. In addition to the daily tonnage indicated above, the maximum permitted tonnage for street sweeper material is 5,000 tons per year.

### **Background:**

The proposed Facility is located on land owned by the City of Santa Maria in an unincorporated area of northern Santa Barbara County known as the Solomon Hills, roughly 7 miles south of the City of Santa Maria center and 1 mile east of Hwy 101. The site was historically used for oil exploration/production and free-range livestock grazing, and was formerly known as the Los Flores Ranch. Some oil extraction activities continue to take place in the northernmost portion of the property. The proposed site is a replacement site for the existing Santa Maria Regional Landfill that is near capacity. The disposal activities at the proposed Facility will be similar to those currently occurring at the existing Santa Maria Regional Landfill. The proposed Facility will be developed in phases. The project before the Department is concurrence in the new SWFP as proposed by the LEA.

### **Findings:**

Staff recommends concurrence in the issuance of the new proposed SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Waste Permitting, Compliance and Mitigation Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated February 28, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(3) Solid Waste Facilities Permit	Staff received a proposed Solid Waste Facilities Permit on April 12, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 8, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated October 24, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plans is consistent with State Minimum Standards as described in their memorandum dated November 3, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (6) (A) Financial Assurances Documentation Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in their memorandum dated February 13, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit staff found the Operating Liability in compliance as described in their memorandum dated February 13, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting & Assistance Branch staff determined that the design and operations described in the submitted Joint Technical Document, dated June 2011, and revised November 2011 will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 8, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 2, 2011. No written or oral comments were received by the LEA or Department staff. See Public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

Permitting & Assistance Branch staff determined that the design and operations described in the submitted Joint Technical Document will allow the proposed facility to comply with State Minimum Standards.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where feasible and within its jurisdiction, any potentially significant environmental impacts of the proposed new SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Santa Maria Planning and Development Services, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The City of Santa Maria, as Lead Agency, prepared and circulated an Environmental Impact Report (EIR), State Clearinghouse No. 2006091069, for a 45 day comment period from June 8, 2009 through July 22, 2009 (the 2010 EIR). The 2010 EIR identified significant and unavoidable impacts to air quality (greenhouse gas emissions) and biological resources (loss of oak tree woodland and reduction of corridors for wildlife movement) that would result from the development of the new Facility. The Final EIR was certified by the Lead Agency on April 20, 2010 (Resolution No. 2010-42). The City also adopted Findings regarding the avoidance or mitigation of significant environmental effects resulting from the project and a Statement of Overriding Considerations (Resolution No. 2010-42). The City filed a Notice of Determination with the State Clearinghouse on April 27, 2010.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts and adopted a Statement of Overriding Considerations. Among others, the Lead Agency determined that the benefits from the project will include:

1. Social, Planning, and Waste Disposal Benefits: The project would provide waste disposal for present and future residents of the City of Santa Maria. Ensure compliance with the waste diversion requirements under state and federal legislation. Without the project, the City of Santa Maria would experience a landfill capacity shortfall as the expected closure date of the existing Santa Maria Landfill is 2012. The project would also accommodate regional waste management and disposal needs upon the expected closure of the Tiajiguas Landfill in 2023. By allowing the applicant to continue providing long term landfill disposal capacity for the City of Santa Maria, and the County of Santa Barbara, the project would protect the health and safety of the residents. The project would provide a regulated location for the beneficial reuse of nonhazardous hydrocarbon impacted soil and other special waste within the local region and neighboring counties.
2. Legal Benefits: The project benefits the City of Santa Maria legally by creating permanent protections and habitat enhancements for threatened and endangered species, as required by state and federal laws. In addition, the project will enable the City of Santa Maria to achieve their general plan goals, policies, and objectives.

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental

effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by the City of Santa Maria, the Lead Agency, to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its statutory authority. Further, staff recommends the Department adopt as its own the Findings adopted by the City of Santa Maria, as Lead Agency, regarding the avoidance or mitigation of the significant environmental effects of the project.

Department staff further recommends the Final EIR, including the Findings and the Statement of Overriding Considerations and other applicable CEQA documents adopted by the Lead Agency, are adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers which are required to be carried out or approved by the Department.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the Lead Agency, the proposed new SWFP and all of its components and supporting documentation, this staff report, the Final EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Noticing and Comments:**

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. The LEA held a public informational meeting on November 2, 2011, at the Bettervia Government Center, in the City of Santa Maria. The meeting was not attended by any member of the public and no written or oral comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on March 20, 2012 and April 17, 2012.

On April 16, 2012, CalRecycle received a letter from the Law Office of Marc Chytilo, representing the Gaviota Coast Conservancy (GCC) indicating that the proposed project was not consistent with the County and City General Plan as required by Title 27, California Code of Regulations, Section 21685(b) and Public Resources Code Section 50000.5.

At the CalRecycle's Monthly Public Meeting on April 17, 2012, a representative of the Law Office of Marc Chytilo was present to request a review of the General Plan Conformity information. At the meeting, it was agreed that no action would be taken on this new proposed solid waste facilities permit until CalRecycle further reviewed this matter.

Subsequently, Mr. Chytilo sent a letter dated May 11, 2012, reiterating the GCC's position that the Siting Element was not consistent with the General Plan.

Staff investigated this issue and verified that both the City of Santa Maria and the County of Santa Barbara (in May and June 2011 respectively) had adopted resolutions to amend the Countywide Siting Element which included attachments with a finding that the proposed project was consistent with the General Plan.

The requirement for Siting Element amendment approval is that a resolution from the city and/or county in which the proposed facility is located be submitted "stating that the proposed facility is consistent with the applicable General Plan." (Public Resources Code section 41720). A resolution from the City of Santa Maria and the County of Santa Barbara were included in the submittal of the Siting Element amendment submitted to CalRecycle. No objections or concerns about the consistency finding were made at that time. In November 2011, CalRecycle found that this requirement had been met and approved the Siting Element Amendment and a challenge to that finding is not timely. Furthermore, the permit requirement which is germane to the present decision is that the location of the facility be identified in the Siting Element, which it is. Once the amendment was approved, there is no requirement to review the findings that were necessary to amend the Siting Element (Public Resources Code section 44009, 50001). Public Resources Code Section 50000.5 only applied until the approval of the initial Countywide Integrated Waste Management Plan (of which the Siting Element is a part of), i.e. there is no longer a separate required finding for permit approval on General Plan consistency. Based on the above, GCC's concerns cannot form a legal basis for objecting to the proposed permit.

Mr. Chytilo's letter of May 11, 2012, noted above, also raised claims regarding the City of Santa Maria's compliance with CEQA and suggested actions that Department should take in response to the alleged deficiencies. For the reasons summarized here, the Department has determined that the City's 2010 EIR is adequate for its consideration of the project before it, consideration of a new solid waste facilities permit for the proposed Santa Maria Integrated Waste Management Facility.

The Department is a Responsible Agency respecting this project under CEQA, and therefore, in its consideration of the environmental effects of the project, must utilize the environmental document prepared and certified by the Lead Agency, barring exceptional circumstances (CEQA Guidelines Section 15096). The exceptional circumstances which would require the Department to conduct additional environmental review, beyond that in the City's 2010 EIR, are set out in CEQA Guidelines Section 15162. That Guideline provides, in general, that once an EIR has been certified, no subsequent EIR is required unless the project has changed significantly, thus requiring major revision of the prior EIR, the circumstances under which the project will be undertaken have changed significantly, again requiring major revision of the prior EIR, or new important information about the project, that was not known and could not have been known when the EIR was certified, has been identified and that discloses the project will have more severe impacts than originally believed or is amenable to more effective mitigation measures (see, CEQA Guideline Section 15162(a)). There is no substantial evidence before the Department to demonstrate that any of these circumstances have arisen since the City's certification of the 2010 EIR – the project has not changed significantly, the circumstances under which the project will be carried out have not changed significantly, and no new information of substantial importance that was not known or could not have been known at the time of certification has arisen.

In his letter, Mr. Chytilo claims that the 2010 EIR fails to recognize that the Tajiguas Landfill (SWIS No. 42-AA-015) will not close in 2023; therefore, the Santa Maria Integrated Waste Management Facility will not receive solid waste that would otherwise be disposed at Tajiguas after 2023, and thus will seek waste streams from outside the county, affecting traffic and causing other potential environmental effects. However, at the time of certification of the 2010 EIR, and at the present, the best information is that Tajiguas Landfill will close in 2023. (See, Tajiguas Sanitary Landfill, No. 42-AA-0015, Solid Waste Facilities Permit, issued October 20, 2009.) Accordingly, the 2010 EIR analyzed the environmental effect of receiving that waste at the new Facility when Tajiguas closes, whether it closes in 2023 as expected or later (2010 EIR, Project Description, pp. II-21, II-23). The 2010 EIR recognized that the wasteshed served by the new Facility is northern Santa Barbara County and southern San Luis Obispo County, and after Tajiguas Landfill closes, southern Santa Barbara County (2010 EIR, Project Description, p. II-21). Mr. Chytilo's assertion that the new Facility must receive waste from out of County is not supported by substantial evidence, and the fact that the Facility might receive waste from out of County is addressed in the 2010 EIR, so is not important new information within the meaning of Guidelines Section 15162.

Mr. Chytilo's other CEQA claims in his letter relate to the adequacy of the 2010 EIR as certified by the Lead Agency. Those claims should have been directed to the Lead Agency at the appropriate time. The Department must rely on the 2010 EIR as certified by the Lead Agency.